IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3269 of 2005

Between:

Yendavatla Mallaiah, s/o Balaiah,
R/o Himayatnagar village, Moinabad Mandal, Ranga Reddy District.

... PETITIONER

AND

The Mandal Revenue Officer, Moinabad Mandal, Ranga Reddy District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Mandamus declaring the order of the respondent in proceedings No. B/401/1991, dated 2-8-2004, as illegal and arbitrary and consequently set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.ROY REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed questioning the order dated
02-08-2004 passed by the Mandal Revenue Officer under the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971. (for short 'the Act')

Since, admittedly an alternative remedy of appeal is available under Section 5(5) of the Act, I am of the view that the petitioner cannot maintain this writ petition without exhausting the said alternative remedy. It is always open to him to raise all the grounds including the grounds that are raised in this writ petition in the statutory appeal.

Accordingly, granting leave and liberty, the writ petition is disposed of. It is made clear, if any such appeal is preferred within a period of four weeks from today, the same shall be entertained and appropriate orders be passed, in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 23-02-2005

LSK

ASSISTANT REGISTRAR

To

1. The Mandal Revenue Officer, Moinabad Mandal, Ranga Reddy District.

2. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

3. Two C.D. copies.